IN THE HIGH COURT OF JUDICATURE AT PATNA
C.R. No.1210 of 2007
NITYANAND MISHRA
Versus
SHAIL DEVI & ORS
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3 30.09.2010 Learned counsel for the petitioner submits that in view of the law laid down by the **Apex Court** in the cases of **Shiv Shakti Coop. Housing Society, Nagpur v. Swaraj Developers and others ((2003) 6 Supreme Court Cases, 659)** and **Surya Dev Rai v. Ram Chander Rai and others ((2003) 6 SCC, 675)** as well as by a **Division Bench** of this Court in **Durga Devi v. Vijay Kumar Poddar and others and its analogous cases (2010(2) PLJR 954)** while deciding the maintainability of the Civil Revision in group of cases, this civil revision would not be maintainable.

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Learned counsel for the petitioner, therefore, seeks permission to convert this civil revision into a writ application under Article 227 of the Constitution of India in view of the decision of the Division Bench rendered in **Durga Devi** (**supra**) referred to above, while deciding the issue of maintainability of the Civil Revision.

Permission is accorded

Let the petitioner convert this civil revision into a writ application under Article 227 of the Constitution of India within one week after Durga Puja Holidays, failing which this civil revision shall stand rejected as not maintainable without further reference to a Bench.

(Dr. Ravi Ranjan, J.)

Spd/-

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